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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG, Plaintiffs, v. CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, and WAYNE CHANG, Defendants.	Case No. 5:07-CV-01389-JW **PLAINTIFFS' OBJECTION TO CONNECTU'S ADMINISTRATIVE REQUEST FOR LEAVE TO FILE A SUR-REPLY** Date: June 23, 2008 Time: 11:00 A.M. Judge: Honorable James Ware

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ConnectU's improper Administrative Request to File a Surreply should be denied. The hearing on Plaintiffs' motion is set for this coming Monday, June 23, and the parties completed briefing on the issues on June 9, 2008.

No Sur-reply is needed or authorized under the rules. The Confidential Motion has been pending for over two months. ConnectU also had more than enough time and opportunity to brief all of the issues it raised, especially in light of the extended briefing period due to the re-scheduling of the hearing. ConnectU raised its challenges in its Opposition. Plaintiffs addressed them in their Reply. ConnectU offers no reason why it could not have raised its newly identified issues earlier. It only seeks to prolong this litigation. The Court should not consider these newly submitted materials.

ConnectU's request also is procedurally improper. First, ConnectU did not meet and confer. The reply brief to which the purported sur-reply responds was filed two weeks ago. Within the past several days, ConnectU had two opportunities to raise the issue Facebook: (1) during a noon telephone meet and confer session two days ago and (2) during the Court-coordinated a telephone conference with the parties to discuss logistics related to Monday's hearing. Despite extensive opportunities, ConnectU never raised the issue of a sur-reply.

Second, ConnectU's improper filing fails to provide Plaintiffs sufficient notice to thoroughly respond, which would include evidentiary objections, to its request before Monday's hearing. Pursuant to Local Rule 7-11(b), Plaintiffs are entitled to three Court days to oppose any administrative request, which is not possible given that the filing is for Monday's hearing. ConnectU's failure to abide by the Local Rules is an independent basis for denying its request. ConnectU should not be permitted to file a sur-reply under the circumstances. If the Court for some reason feels compelled to consider ConnectU's request, however, Plaintiffs request an opportunity to respond.

/s/ I. Neel Chatterjee /s/
I. Neel Chatterjee

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on June 20, 2008.

Dated: June 20, 2008

Respectfully submitted,

/s/ I. Neel Chatterjee /s/

I. Neel Chatterjee